

ADDITIONAL FEE:

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R E M A R K S

The Office Action issued February 5, 2009 has been received and its contents have been carefully considered.

The claims of this application have been thoroughly reviewed and amended to overcome the various informalities kindly noted by the Examiner. Claim 1 has also been amended to incorporate the subject matter of claims 5 and 15, and claims 5 and 15 have been canceled. The dependencies of the remaining claims have been amended, where necessary, to avoid dependence upon a canceled claim.

All of the claims of this application, as originally filed, have been rejected as being anticipated by Boyd et al. (WO99/391182) or Bote Bote (WO03/087817 and U.S. Patent No. 7,361,306) or obvious over Boyd et al. and Bote Bote either alone or in combination with Kratzer et al. (U.S. Patent No. 6,159,741). These rejections are respectfully traversed for the reasons given below.

Bote Bote relates to a device for measuring the coagulation time and platelet activity. A blood sample is

deposited in a dish 3 and combined with a reactant.

Thereafter, the blood sample together with the reactant (mixture) is ejected into a gap created between a cup 1 and a rotor 2 (Figure 1). This rotor 2 is arranged in the cup 1 which is provided with a radially extending conduit 4. The mixture is supplied via the conduit 4 of rotor 2. The rotor 2 is rotated by an electric motor 8, and a speed sensor 7 is used to measure the speed decrease of the rotor 2 caused by a clot resulting from the mixing of the blood sample and the reactant. When a clot is produced, the friction between the cup 1 and the rotor is suddenly increased. This change is measured by the control unit 11.

The main difference between the device according to the present invention and that of Bote Bote lies in the fact that in Bote Bote the rotor 2 is rotated by the electric motor 8 in a plane parallel to the bottom of the dish 1 and the blood cells are radially ejected in the conduit 4. This means that the blood cells are subjected to a considerable centrifugal force and can be destroyed by this centrifugal force. This is why such an array cannot be used with the device of the present invention. Bote Bote shows how a mixture of blood cells and a reactant is supplied to a gap,

and not how blood cells are continuously mixed during measurement.

According to the present invention, the stirring device in the reservoir is continuously moved in the longitudinal direction of the housing by a driving mechanism. No centrifugal forces are exerted to the blood cells. The stirring device is attached to a stirring rod which extends in the longitudinal direction of the housing and the rod is moved in an upward and downward direction by a driving mechanism. It can be easily seen that such a driving mechanism is totally different from Bote Bote. The stirring device according to the invention prevents the blood cells from being squeezed so that undesirable substances are released (applicants' original claim 15, which is now incorporated into claim 1).

The published International Patent Application to Boyd et al. concerns a spectrophotometric analytic cartridge which has nothing to do with the present invention. According to Boyd et al., a blood sample 36 (Figure 4) is located in a deposition well 38. Afterwards, the cartridge body 12 is closed and the cartridge is placed in a centrifuge so that the blood sample 36 is transferred to the outer end 42 of the cartridge body 12. Thereafter, the

blood cells 46 are concentrated in a separation well 48 as shown at 46 in Figure 5. The separation well 48 is connected to the deposition well 38 by an inlet passageway 52. The separation well 48 is further connected to an overflow well 50 by way of overflow passage 58. The centrifuging results in the separation of the blood plasma from a solid or cellular component located in the separation well 48 and any overflow located in overflow well 50. The force at which the cartridge 10 is centrifuged, as well as the time, may be varied depending upon a number of different criteria.

It can be clearly seen that such a cartridge and the corresponding method have nothing to do with the present invention wherein the flow-through device according to claim 1 (as amended) comprises a special stirring device that is provided in a reservoir for blood and is moved such a manner that the stirrer part of the stirring device solely mixes the blood in the reservoir during the measurement and keeps it in motion, wherein the stirrer part is disposed on a stirring rod which extends in a longitudinal direction of the housing and can be moved in the longitudinal direction of the housing by a driving mechanism and wherein the stirring device has no contact with the stationary surfaces.

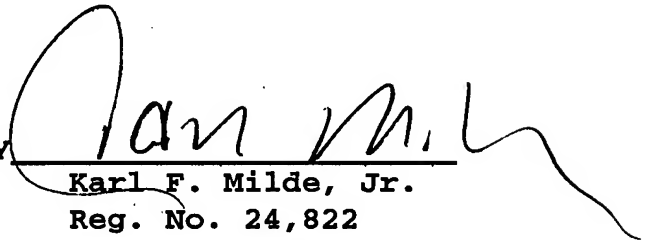
None of the features of this stirring device are realized in Boyd et al.

The U.S. patent to Kratzer et al. concerns a process and a device for measuring blood platelet aggregation or blood coagulation. In this device, the blood flows through an opening (for instance 29 in Figure 4) in a part 28. The occlusion of the opening is measured. There is no disclosure of any stirring device provided in the reservoir for the blood and structured in the special manner recited in applicant's claim 1.

In summary, none of the three cited references, taken either individually or in combination, teach the combination of features now recited in applicants' amended claim 1. It is noted, in this regard, that neither Boyd et al. nor Kratzer were applied against applicant's original claims 5 and 15, which are now incorporated into claim 1.

Accordingly, this application is believed to be in condition for immediate allowance. A formal Notice of Allowance is respectfully solicited.

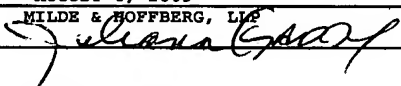
Respectfully submitted,

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MILDE & HOFFBERG, LLP
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